



North Delta CARES Action Committee

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"'Coequal goals' means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place." (CA Water Code §85054)

February 28, 2017

Delta Protection Commission
2101 Stone Boulevard
West Sacramento, CA 95691

Delta Stewardship Council
980 9th Street, Ste. 1500
Sacramento, CA 95814

Attention: Mr. Erik Vink, Executive Director, DPC;
and Mr. Randi Fiorini, Chairman, DSC

Dear Sirs:

RE: Delta Levee Investment Strategy (DLIS) and Delta
Flood Risk Management Assessment District
Feasibility Study (DFRMADF)

North Delta CARES submits the following comments on behalf of the Public:

North Delta CARES suggests that Delta Levee Investment be done in phases.

Phase I should be done with Water Contractors being assessed their "pay at the pump" share. If this requires legislation, one of the DPC Commissioners should submit this legislation.

Phase II should be assessment of other agencies who construct on the Primary and Secondary Zones; i.e., US Fish and Wildlife, CA Fish and Wildlife, CA Department of Transportation, etc.

Phase III should be assessment of infrastructure businesses; i.e. railroads, highways, pipelines, etc.

Phase IV should include research and assessment of permits for new developments and future growth, other water contracting agencies, other water bankers reselling water, recreational users, impact mitigation fees from upstream inflows and downstream outflows, etc.

It should be studied whether the Assessment District could be set up similar to the December 18, 2008, Resolution TL-19095 by the Consumer Protection and Safety Division adopting a Transportation Reimbursement Account (PUCTRA) (see attached). This sets the Public Utilities Commission in charge of annually determining a fee to be paid by every passenger stage corporation, charger-party carrier of passengers, pipeline corporations, for-hire vessel operators, common carrier vessel operator, railroad corporations and commercial air operators and every other common carrier and related business subject to the jurisdiction of the commission. This resolution was signed by the Executive Director of the PUC along with its President and Commissioners. It required the addition of five additional people to operate the enforcement of this program. North Delta CARES recommends a similar entity be organized called the “Delta Levee Assessment District” and it be placed under the Delta Protection Commission. This 5 person-team will “order” beneficiaries’ fees be collected for Delta Levee improvements, maintenance and other similar needs.

We also include the following public’s comments from the January 24, 2017, meeting in Walnut Grove:

The current approach to levees amounts to a strategy to neglect levees that protect agriculture, and raise costs to farmers, without making other beneficiaries pay. Upstream runoff growth & downstream water contractors getting water delivered to a tap point justifies their paying for maintenance and upgrades too.

This year’s Delta flooding crisis was a chance to ground-truth with direct field observations the dynamics of a system under stress. A January storm system was predicted for weeks, and field teams could have used gauge heights, behavior at weak points detected by prior geophysical scanning and imaging reports, and direct observation of leaks reported by managers and landowners.

Others at the meeting said the DSC and consultants did not interview engineers & managers of up to 25 year local experience on known weak spots, despite being given their names and other inputs at hours of participation at other public meetings. They did not incorporate levee integrity study results even after the reports funded by FEMA were proactively sent to the Contractors by the authors. For example, they did not apply geophysical scanning & imaging results by Tremaine and Associates on more than 1,000 levee-miles, for internal construction materials and voids for weak spots; e.g., dumped vehicles versus earthen, versus steel structures and riprap extent.

With urbanization increasing between Sacramento and Elk Grove creating higher impervious surfaces and inflows increasing into the Delta, we do not see the most recent increases or future increases reflected in the Consultant’s approach or in a mapping and quantitative engineering approach. This is important as those regions should be paying impact mitigation fees, with a portion specifically committed to levee maintenance upgrades.

Likewise, downstream beneficiaries including water contractors should be paying in to levee maintenance and upgrades for the costs of getting water to their diversion points. The burden should not all be on farmers, and at the very least, the agriculture should reflect that it is being protected in the proposal as stated in Water Code Section 80514. Those cost shares should be increased by the Legislature and be budgeted for by the counties, cities and special districts, with categories dedicated to Delta levees for “High Priority” and “Other” levees as well.

For example: Permitting of the Delta Shores development east of Freeport at Cosumnes Boulevard should include impact mitigation fees from the developer, as well as terms requiring the developer to build retention ponds and other drainages to slow runoff rates that prevent pulse flow impacts. Also, development planned by Sacramento County to the East, south of Highway 50, flows into the Cosumnes River. The developers should be required to pay for structures and water management practices to prevent water flow impacts from increased impervious surface runoff over many acres draining into the Cosumnes River, and they should also pay a portion into the Delta Assessment District fund.

All Northern California watersheds should be paying in to maintenance and upgrade of the receiving waters – especially where new developments are planned. Sierra watersheds impacted by fire areas and drought-caused forest defoliation has reduced protective filtering of storm impacts of canopy, increasing soil erosion and runoff rates, filling channels with soil, displacing water over broad areas. Therefore other special districts upstream, including foothill irrigation districts, soil conservation districts, and counties, should be required to contribute to maintenance and upgrades of Delta levees – thereby not focusing additional burden on Delta farmers.

McCormack-Williamson Tract is designated as VHP, and this would protect lands where The Nature Conservancy (TNC) told the DSC tour group at the Cosumnes Refuge meeting in 2014 that their plan was to break down the Lost Slough levee and make marsh all the way north to Stone Lakes Refuge near Elk Grove, almost 10 miles north. TNC also asked that agencies not require indemnification clauses holding the State harmless “in case our flood models are wrong, and there is destruction downstream”. Prioritizing that property as VHP and downstream as only HP, and raising costs to farmers for protection against higher flows and changing currents; increases the risks to private property and increases reclamation district costs.

Scouring, high pressures on levee connecting points, leaks, and best engineering management practices, should all be built into the levee investigations. Those costs should be born by those parties causing these pressures, and the need for upgrades.

When budgets are made, they should include sufficient funds for engineering studies, including engineers’ travel, geophysics imaging and upgrade design cost estimates to handle potential increases in pressures.

A triage should be formed to prioritize and apply this funding to levee maintenance, improvements, and upgrades. This triage should include each of the five county supervisors, or their representative, the CVFP Board, Reclamation Districts, etc. An unbiased third-party mediation firm should be hired to conduct monthly meetings for fund distribution and application.

Thank you for the opportunity to comment.

/sg/ Barbara Daly (for)

North Delta CARES Action Committee

Cc: Sacramento County Supervisor Don Nottoli
Yolo County Supervisor Oscar Villegas
Solano County Supervisor Skip Thompson
San Joaquin County Supervisor Chuck Winn
Contra Costa County Supervisor Diane Burgis
Delta Conservancy
Delta Protection Commission Advisory Committee

Attachment: Resolution TL-19095 (12/18/08) by the California Public Utilities Commission